

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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**RULE 2202 – ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS
EMPLOYEE COMMUTE REDUCTION PROGRAM GUIDELINES**

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Deputy Executive Officer

Planning, Rule Development, and Area Sources
Elaine Chang, DrPH

Assistant Deputy Executive Officer

Planning, Rule Development, and Area Sources
Laki Tisopulos, Ph.D., P.E.

Planning and Rules Manager

Transportation Programs
Carol A. Gomez

AUTHOR:	ERNEST LOPEZ - AIR QUALITY SPECIALIST
TECHNICAL ASSISTANCE:	ANTONIO THOMAS - SENIOR TRANSPORTATION SPECIALIST ROOSEVELT BROWN - TRANSPORTATION PLAN REVIEWER LANE GARCIA - TRANSPORTATION PLAN REVIEWER
REVIEWED BY:	LAUREN NEVITT - DEPUTY DISTRICT COUNSEL

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PREFACE

Implementation of an Employee Commute Reduction Program (ECRP) is strictly optional under Rule 2202. This program is designed to meet ambient air quality standards mandated by the Federal Clean Air Act. As an indirect mobile source emission control strategy it is intended to reduce vehicle miles traveled and increase the average vehicle ridership (AVR) of work related trips.

Rule 2202 and the guidelines for the ECRP are consistent with the Health and Safety Code Section 40717 which establishes compliance requirements for California transportation performance standards.

This document has been prepared to assist employers in understanding the development and implementation requirements of the ECRP at their worksites. The ECRP focuses on reducing work related vehicle trips and vehicle miles traveled to a worksite with the purpose of achieving and maintaining the employers' designated AVR targets.

AQMD staff is available to answer questions and to provide assistance to employers who are developing and implementing programs. The entire guidance document should be read in order to fully understand the program requirements. Direct any questions concerning these guidelines to the Transportation Programs Hotline at (909) 396-3271.

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I. PROGRAM OVERVIEW

A. INTRODUCTION

Rule 2202 has been designed to reduce mobile source emissions from employee commutes. The Rule provides employers with a menu of emission reduction strategies that employers can implement to meet an emission reduction target (ERT) for their worksite. As an alternative to meeting an ERT, Rule 2202 also allows employers the option to implement an Employee Commute Reduction Program (ECRP) that meets the rule exemption requirements. The implementation of an ECRP is expected to lead to achievement and maintenance of the employer's designated average vehicle ridership (AVR) target by reducing the number of work related vehicle trips.

B. APPLICABILITY

This program can be implemented by any employer that employs 250 or more employees at a worksite, on a full or part-time basis, calculated as a monthly average over the prior six consecutive months. Each monthly employee population for the prior consecutive six months is added and then divided by six to determine whether the employer's average employee population figure is 250 or more.

1. Program Notification

Employers with 250 or more employees upon becoming subject to Rule 2202 shall notify the AQMD in writing within 30 days and include the following information:

- a. Employer's name;
- b. Worksite and mailing address of the business;
- c. Name, title, phone number, and email address of the highest ranking official at the worksite;
- d. Name, title, phone number, and email address for a contact person at the worksite; and
- e. Number of employees at the worksite.

Once the employer has notified the AQMD, within 90 calendar days from the date of notifying the AQMD, the employer must submit an initial Annual Employee Commute Reduction Program, if such a compliance option is chosen.

Any employer that is subject to Rule 2202 and fails to notify the AQMD within 30 calendar days of becoming subject to the rule will be subject to the Failure to Notify Surcharge as set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and may be subject to civil or criminal enforcement action for failure to notify AQMD.

C. TYPES OF EMPLOYEE COMMUTE REDUCTION PROGRAMS

On the program due date, or within 90 calendar days of becoming subject to the Rule, an employer choosing to comply through this option must submit one of the following ECRP Annual Programs:

- a. A single-site employer must submit a single site ECRP.
- b. A multi-site employer may submit either a Multi-Site ECRP, separate single site programs, or a combination of multi-site and single site programs.

D. PROGRAM SUBMITTAL SCHEDULE

Employers must submit an Annual Program on an established submittal date. The Annual Program reports the AVR status for the current year and an implementation plan that will achieve or make progress toward the performance requirement for the worksite. Worksites included in a Multi-Site program must all have the same annual due date and be within the same AVR Performance Zone. Annual due dates shall remain permanent unless modified by the Executive Officer or designee or a written request to change the due date is submitted by the employer and approved in writing by the AQMD.

E. PROGRAM ELEMENTS

ECRPs must be submitted in the format approved by AQMD and include the following elements:

1. Single Site Program

- a. A management commitment endorsed by the highest-ranking official at the worksite or the person responsible for allocating the resources necessary to implement the program. This endorsement shall include a commitment to fully implement the program and that all data in the program is accurate to the best of the employer's knowledge. The endorsement, commitment, and signature line can be found in the Annual Program compliance forms;
- b. The name of the Employee Transportation Coordinator (ETC), On-site Coordinator, and/or Consultant ETC;
- c. The AVR calculation and AVR data collection method;
- d. Specific strategies the employer will provide to employees;
- e. The number of employees that begin work during a typical work week within the peak commute window; and,
- f. A marketing program which ensures all employees are regularly informed of the ECRP details.

2. Multi-Site Program

In addition to submitting the elements described above for each worksite, employers submitting Multi-Site ECRPs shall submit a matrix that identifies those strategies offered at individual worksites. Employers submitting Multi-Site ECRPs may consider the following:

- a. The option of aggregating AVR for worksite submittals located within the same AVR Performance Zone;
- b. In lieu of attaining the designated AVR at each employer worksite, total surplus vehicle reductions (TSVR) from sites that exceed their designated AVR may be credited towards an employer's worksite that has a total vehicle reduction shortfall (TVRS) for those worksites located within the same AVR Performance Zone. (Refer to section *II.D. Aggregating AVR for Multi-Site Employers*);
- c. Centralized Rideshare Service Center (CRSC) (refer to section *III.C. Centralized Rideshare Service Center*);
- d. Designation of On-Site Coordinators for each worksite;
- e. The option of voluntarily including worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule as described in section *II.D. Aggregating AVR for Multi-site Employers*.

F. ANNUAL PROGRAM

An Annual Program that reports the results of an AVR data collection method, and/or a plan that the employer will need to implement to meet the performance goal, and calculation must be submitted to the AQMD by the program due date. The Annual Program must be submitted in the appropriate format, approved by AQMD, and include the following:

- a. AVR data collection method;
- b. AVR calculation;
- c. Emission credit offset calculations and the emission reduction credit amounts that are required to meet the worksite performance requirements if the option in subparagraph (m)(3)(A) of the rule is selected;
- d. Name of the certified ETC responsible for developing and implementing the worksite ECRP;
- e. Strategies offered to employees;
- f. Signed endorsement by the highest ranking official or the person responsible for allocating the resources necessary to implement the program declaring that all strategies listed in the approved program were offered to employees; and
- g. Any applicable supporting documentation.

If the Annual Program submittal indicates that the designated AVR was not achieved, AQMD staff will contact the employer to recommend how to improve the program. Alternatively, the employer may refer to the section *V. Employee Commute Reduction Strategies* for other strategies that could be included in the program.

G. HIGH AVR NO-FAULT INSPECTION

1. High AVR No-Fault Inspection Requirements

Any worksite that requests and passes a High AVR No-Fault Inspection is eligible for a reduced annual filing fee. To qualify, the following conditions must be met:

- a. The annual employee survey must be conducted and the resulting AVR calculation must meet or exceed the designated AVR;
- b. It cannot be a first-time submittal resulting from a change of ownership as described in section *IV.C. Change of Ownership* unless the new owners submit a commitment letter which states they will continue to implement the previous owners program;
- c. The designated AVR must be met only through the implementation of an ECRP;
- d. The ECRP must be marketed and implemented as described in the Annual Program submittal; and,
- e. The High AVR No-Fault Inspection must be scheduled no less than two months prior to the submittal due date.

2. Compliance Documents Submittal

Following successful completion of a High AVR No-Fault Inspection, the employer is required to submit the following documents in lieu of an Annual Program submittal described in section *I.F. Annual Program*:

- a. A copy of the compliance commendation letter which will be given to the employer upon successful completion of the inspection; and
- b. The worksite's AVR calculation worksheets as provided in the Annual Program forms.

H. PROGRAM ADMINISTRATION

1. Program Submittal and Compliance

All employers who choose to implement an ECRP shall submit an Annual Program that will lead to the achievement and maintenance of the annual AVR performance requirement. Employers unable to demonstrate progress towards meeting or meet the annual AVR performance requirement must submit one of the options listed in section *II.E. Annual AVR Performance Requirement*.

2. Program Implementation

Any ECRP previously approved by the AQMD will remain in effect until:

- a. A new program is approved,
- b. An approved alternative is used to comply with Rule 2202,
- c. The employer receives notification from AQMD that they are no longer subject to the Rule, or
- d. Rule 2202 is rescinded.

I. RECORD RETENTION REQUIREMENTS

Employers must maintain records using the following criteria:

- a. The employer must keep detailed records of the documents which verify the AVR calculation for the last three compliance years.
- b. Records which verify that all strategies in the ECRP have been marketed and offered shall be kept at the worksite for at least the last three compliance years.
- c. Employers who implement their programs using a Centralized Rideshare Service Center (CRSC) as described in section III.C., must maintain records and documents at the CRSC, unless, upon written approval by the Executive Officer or designee, other record retention arrangements have been made.

J. COMPLIANCE

Failure to comply with any provisions of this Rule or this ECRP Guideline document, including but not limited to, failure to maintain records, falsification of records, failure to submit an Annual Program, failure to submit proper fees in accordance with the provisions of Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates, and/or failure to submit a management commitment verifying implementation of the program as approved by the AQMD is a violation of Rule 2202 and is subject to the penalties outlined in the Health and Safety Code Section 42400 *et seq.*

- a. The AQMD will not impose any requirements that are not a part of Rule 2202, Rule 308, Rule 311, or Rule 313.
- b. The AQMD may only request information to the extent that it is reasonably necessary to determine compliance with these rules.

If a final determination that an element of an approved ECRP violates any provision of law is issued by any agency or court with jurisdiction to make such determination, then the employer shall,

within 45 calendar days, submit a proposed program revision to the AQMD which shall be designed to achieve an AVR equivalent to the previously approved program.

II. PROGRAM IMPLEMENTATION

A. PROGRAM REVIEW

The AQMD staff will review ECRPs using the following criteria:

- a. ECRPs will be approved provided the program complies with all requirements of Rule 2202, these Guidelines, Rule 308 - On-Road Motor Vehicle Mitigation Options Fees, Rule 311 - Air Quality Investment Program (AQIP) Fees, and Rule 313 - Authority to Adjust Fees and Due Dates;
- b. Employer continues to demonstrate a good faith effort towards achieving the target AVR or has made appropriate changes/additions to the strategies when AVRs have declined or remained consistently low. Program submittals which fail to show an overall improvement in AVR from the previously submitted Annual Program and do not provide revisions or additions to the strategy section are not considered to be a good faith effort on the part of the employer and may not be approved as submitted;
- c. Within 90 calendar days of receipt of the program, the AQMD will in writing, approve, disapprove the program, or request up to 30 additional days to review the program, indicating to the employer the reasons for requiring additional review time;
- d. If a program is not approved or disapproved within 90 calendar days, or if the AQMD has not requested additional review time, the program shall be deemed approved;
- e. Prior to disapproving a program, the AQMD will contact the employer to provide an opportunity to discuss program inadequacies;
- f. If a program is disapproved, the reasons for disapproval will be given in writing to the employer. Any program disapproved by the AQMD must be revised by the employer and resubmitted to the AQMD within 30 calendar days of receipt of the notice of disapproval. The AQMD has 90 calendar days to review the resubmitted program. If a second disapproval notice is given, the employer is in violation of Rule 2202 until a revised program is submitted and approved by the AQMD; and
- g. An ECRP will be disapproved if the program demonstrates a disproportionate impact on minorities, women, low-income or disabled employees.

B. CALCULATING AVR

1. Employee Categories

Employees that do not begin work at least one day during the 6:00 a.m. - 10:00 a.m. peak commute window are not included in the AVR calculation. Employees that are classified in the “Other Days Off” category are included in the AVR calculation if they begin work in the window at least one day during the survey week. The net effect of “Other Days Off” on the AVR calculation will be neutral. Employees in this category include, but are not limited to, the following:

- employees on vacation, sick, or furlough;
- employees on per-diem or on-call that do not meet the definition of field personnel;
- employees on jury duty, military duty;
- employees who begin work outside the window provided they begin in the window at least one other day during the week;
- employees not scheduled to work that day;
- employees that are home dispatched;
- employees on maternity leave;
- employees on bereavement leave; and/or
- employees on medical /disability leave.

The following employee categories, as defined in the Glossary, are not considered for rule applicability or in calculating AVR:

- temporary employees;
- seasonal employees;
- volunteers;
- field personnel;
- field construction workers; and/or
- independent contractors.

2. Police, Sheriff, and Federal Field Agents

Police, Sheriff, and Federal Field Agents, as defined in the Glossary, are included for rule applicability but are not required to be included in the 6:00 a.m. - 10:00 a.m. peak window surveyed or included in the AVR calculation. It is the discretion of the employer whether to include them in the window count. Surveying only part of this group is not acceptable. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including, but not limited to, ride matching and transit information for all employees as well as preferential parking and guaranteed return trips for employees who are ridesharing. Employees who perform non-field work or non-investigative functions are required to

be included in the peak window survey or included in the AVR calculation. Examples of Federal Field Agents include, but are not limited to, field employees of the Federal Bureau of Investigation (FBI), Customs and Border Protection or US Coast Guard.

3. AVR Adjustments

- a. Carpools are counted as 2-6 people traveling together for the majority (51%) of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- b. Vanpools are counted as 7-15 people traveling together for the majority (51%) of the total trip distance. The credit is given by dividing the total weekly number of occupants in the vehicle by the maximum occupancy in the vehicle.
- c. Employees walking, bicycling, telecommuting, using public transit, using a zero emissions vehicle or other vehicles as approved by the Executive Officer or designee, or on their day off under a compressed work week, should be counted as employees arriving at the worksite with no vehicle.
- d. Compressed Work Week (CWW) credit will only be granted when all days worked and all CWW days off fall within the established AVR survey period.

Employers may develop alternatives to the recognized compressed work week schedules of 3/36, 4/40, and 9/80 upon written approval by the AQMD. The proposed alternative must ensure that the resulting trip reductions are real, surplus, quantifiable, and enforceable.

The types of CWW day off must be clearly indicated on the AVR survey as follows:

- i. 3/36 - 3 days work, 12 hours per day, 2 days off during the survey week;
- ii. 4/40 - 4 days work, 10 hours per day, 1 day off during the survey week; or
- iii. 9/80 - 9 days work, 80 hours per two weeks, 1 day off in a 2 week period during the survey.

If a person on a 3/36 scheduled work week works a 4th day during the established work week, an employer may take credit for one (1) CWW day off.

- e. Non-commuting AVR credit is allowed for employees who remain at the worksite (if in the AQMD's jurisdiction), or entirely out of the AQMD's jurisdiction, for at least a full 24-hour period, to complete work assignments, and who generate no vehicle trips during the AVR window associated with arriving at the worksite. Non-commuting AVR credit is calculated as arriving at the worksite with no vehicle. Examples of employees who may be considered to be in this category are firemen, airline pilots, or flight attendants.

- f. AVR credit for all employees leaving the worksite, during the window, may be calculated and averaged with employees arriving at the worksite during the window to obtain an aggregate AVR. If Off-Peak Credits are used in the AVR calculation this credit cannot be used.
- g. Off-Peak Credits - Employers may receive additional credits from employee trip reductions that occur outside of the peak window. An AVR survey or an alternative approved data collection method is required to obtain this data. This AVR survey cannot be older than 6 months at the time of program submittal. This credit may be calculated as follows:

$$AVR = \frac{E}{V - [CCVR \div 2.3]}$$

Where:

- E = Total number of weekly window employees in the peak window.
V = Total number of weekly window vehicle trips in the peak window.
CCVR = Creditable commute vehicle reductions that occur outside of the peak window.
2.3 = Discount factor.

- h. Non-Regulated Credits - Employers may voluntarily include worksites with less than 250 employees as described in section *II.D. Aggregating AVR for Multi-site Employers* and/or employees of other businesses located at the worksite not subject to the Rule.
- i. Reduced Staffing - Employers may receive additional trip reduction credits, that have been discounted, from reduced staffing that occurs during events that are longer than five consecutive work days, such as school recesses/breaks, inventory, or temporary facility closures, as approved by AQMD. A separate AVR survey may be required to obtain this data. This AVR survey cannot be older than 12 months old at the time of program submittal. This credit is not allowed for staff reductions resulting from actions such as layoffs, relocations, transfers, facility closures or temporary closures that are part of regularly schedule facility vacations. This credit may be calculated as follows:

$$AVR = \frac{E \times T}{[V_n \times T_n] + [V_r \times T_r \times 1.15]}$$

Where:

- E = Total number of weekly window employees during the regular operating schedule.

- T = Total number of annual operating workdays for the worksite, which is the sum of Tn and Tr. For example, the default value is 260 days for employers with a 5 day work schedule, and a default value of 365 days for a 7 day work schedule.
- Vn = Total number of weekly window vehicle trips during the regular operating schedule.
- Tn = Total number of regularly scheduled operating days for the worksite.
- Vr = Total number of weekly window vehicle trips that occur during the reduced staffing schedule.
- Tr = Total number of reduced staffing schedule days.
- 1.15 = Discount factor.

The same methodology used for determining the total number of annual workdays for the worksite (T) shall be applied to determine the values for Tn and Tr.

- j. Employees that begin work during the window and do not respond to the survey must be calculated as one employee per vehicle arriving at the worksite.
- k. Drive alones count as one person per vehicle arriving at the worksite.
- l. Reporting errors resulting from missing or incorrect information must be calculated as one employee per vehicle arriving at the worksite. Reporting errors that do not indicate the time when the employee begins work must be assumed to occur in the peak window.

C. AVR DATA COLLECTION METHODS

Each employer must collect AVR data by one of the following applicable methods:

1. AVR Survey

Employers must conduct an AVR survey approved by the AQMD. The survey should be taken over five consecutive workdays, Monday through Friday, and identify the transportation modes that employees use to travel to the worksite during the 6:00 a.m. - 10:00 a.m. window, each day during the survey week. The AVR survey data must be available and traceable to an individual employee. This may be through employee identification numbers, employee signature, or a pre-approved alternative electronic individual identifier. The surveys should be distributed at the end of or following the planned survey week so that the survey responses will represent actual commute activity. An AQMD approved employee survey form can be found in the Annual Program forms.

a) AVR Survey Parameters

The AVR survey data cannot be more than six months old at the time of program submittal. The response rate to the survey must be at least 60 percent of those employees who begin work during the window. The remaining non-responses over 60 percent to 100 percent shall be treated as single occupant vehicle commuters, however, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the “Other Days Off” category. The net effect on the AVR calculation will be neutral. The AVR survey must be conducted during a typical work week. The weeks to be specifically excluded from the AVR survey week are the weeks including the following dates:

New Years Day	January	1
Martin Luther King Jr. Birthday	January	(Third Monday)
Presidents Day	February	(Third Monday)
Memorial Day	May	(Last Monday)
Independence Day	July	4
Labor Day	September	(First Monday)
California Rideshare Week	October	(First Week)
Veteran's Day	November	11
Thanksgiving Day	November	(Fourth Thursday)
Christmas Day	December	25

AVR surveys shall not be conducted during these weeks even though the employer does not observe these holidays or is open for business. Nor shall employers conduct an AVR survey during a week in which they observe a holiday not listed above.

The days these holidays are observed may vary from year to year; therefore, it will be the responsibility of the employer to obtain these specific holiday dates to ensure exclusion of these weeks from their AVR survey week.

Each employer should encourage employee involvement in either of the following ways:

- i. Through an employee survey that includes questions soliciting suggestions for program improvement and/or strategies which may be used for ECRP development; or
- ii. An employer may implement a program which actively involves employees, such as focus groups, employee committees, etc.

b) Window Period for AVR Calculation

The employer must calculate the AVR based on the 6:00 a.m. - 10:00 a.m., Monday through Friday window except for businesses operating seven days a week. The AVR window for businesses

operating seven days a week is 6:00 a.m. - 10:00 a.m. and the AVR reporting period is the five consecutive days, of the seven operating days, when the majority of the employees are scheduled to report to work. Businesses operating seven days a week may survey over a seven day period so that for purposes of AVR reporting, they will account for individual employees over that portion of their five day work week that falls within the five consecutive days.

The employer may use an alternative window or week upon writing the AQMD and receiving written approval. The alternative window must be a consecutive four hour period between 4:00 a.m. and 11:00 a.m. and a consecutive five day period of the seven day week when the majority of their employees are scheduled to report to the worksite in the peak window. Consequently, the reporting period must be the same five consecutive days for all employees included in the AVR calculation.

c) AVR Calculation

The AVR calculation is based on data obtained from an approved AQMD survey method, random sampling, or recordkeeping, and should include all employees who begin work in the 6:00 a.m. - 10:00 a.m. window.

The AVR is calculated by dividing the number of employees who report to the worksite, by the number of vehicles that arrive at the worksite, during the five day window period. The AVR figure should be rounded off to the second decimal place. For example: 1.4576 becomes 1.46 AVR.

2. Random Sampling

Employers with a minimum of 400 employees reporting at the worksite during the peak window, have the option of determining AVR by a random sample method. The random sample method should comply with all of the following criteria:

- a. Members of the sample must be selected on a probability basis (random selection) that assures that each population member is given an equal chance of selection;
- b. All employees reporting in the window for calculating AVR must be considered as the relevant population from which the sample is drawn;
- c. The sample must measure all potential commute modes for employees arriving at the worksite during the window and shall account for all employees not arriving at the worksite during the window due to compressed workweek day off, vacation, sick leave, furlough day, or other (e.g., maternity leave, bereavement leave, etc.);
- d. Any employees designated for the random sample that do not respond to the survey are counted as solo drivers;
- e. At least 60 percent survey response rate must be achieved;

- f. The sample size must be determined with the AQMD's approval of sampling method;
- g. Data from the last three compliance years shall be kept at the worksite and available for inspection;
- h. Any data submitted via electronic media must be compatible with AQMD's software and must be able to be entered into AQMD's system;
- i. The random sample survey must be taken not more than six months prior to submittal of the Annual Program;
- j. The random sample method must receive written approval from the AQMD prior to administration of the survey; and
- k. The random sample method must be re-certified 60 calendar days prior to the program due date, only when the employer proposes to modify its approved certification method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

3. Alternative AVR Data Collection

The AQMD must pre-approve and certify alternative AVR data collection methods as complying with these guidelines. Employers, vendors, consultants, or other entities requesting certification for alternative AVR data collection methods must request certification at least 60 calendar days prior to the annual registration due date. Once the certification method is approved, re-certification is required 60 calendar days prior to the established due date, only when the employer proposes to modify its approved certification method or upon modifications to Rule 2202 that change AVR collection methods or methodologies. The AQMD will review and respond to the request within 14 calendar days. Certification will only be granted for those AVR data collection methods that comply with these guidelines.

Employers have the option of selecting an alternative AVR data collection method for verifying AVR as long as it complies with all of the following criteria:

- a. Data must be gathered from all employees who begin work during the window;
- b. The response rate to the data collection method must be at least 60 percent of those employees who begin work during the peak window. The remaining non-responses over 60 percent to 89 percent shall be treated as single occupant vehicle commuters. However, if an employer achieves a 90 percent response rate or higher, the remaining non-response percentage can be reported in the "Other Days Off" category in the AVR calculation;
- c. The data collected must reflect the daily commuting activity of employees and their modes of travel that occur during each month or quarter of the program cycle;

- d. Quarterly or monthly AVR must be calculated separately, and must be aggregated to determine the yearly AVR calculation;
- e. Data from the last three compliance years shall be kept at the worksite and be made available upon request;
- f. The following data must be available, and traceable to individual employee records: travel mode for each day data is collected; any data that is specified in the section on AVR Data Collection Methods; and, employee ID number or other individual identification;
- g. Any data submitted via electronic media must be compatible with the AQMD's software;
- h. The data used for the AVR calculations cannot be more than six months old;
- i. The AVR data collection method must be pre-approved by the AQMD; and
- j. The Alternative AVR data collection method must be re-certified 60 calendar days prior to each program due date, only when the employer proposes to modify its approved certification method or upon amendments to Rule 2202 or guidelines that changes AVR data collection, calculations or methodologies.

D. AGGREGATING AVR FOR MULTI-SITE EMPLOYERS (Optional)

Employers that have multiple worksites may choose to submit an aggregated Annual Program that includes all of the regulated worksites that belong to the multi-site employer rather than submit Annual Programs for each worksite individually. For worksites that belong to the multi-site employer the aggregate AVR is the total number of window employees divided by the total number of vehicle trips. All worksites that are to be included in the Aggregate AVR calculation must be within the same AVR Performance Zone. Aggregate AVR can be obtained in three steps. First, the number of peak window employees used in calculating each worksite AVR must be added. This sum will yield the total number of window employees for all worksites. Second, the number of vehicle trips used in calculating each worksite AVR must be added. This total will yield the total number of vehicle trips for all worksites. Finally, the total number of employees must be divided by the total number of vehicle trips to obtain the combined AVR for all worksites. This calculation will yield the aggregate AVR for the multi-site employer.

Example:

$$\text{AVR} = \frac{\text{Window employees for site 1} + \text{window employees for site 2} \dots}{\text{Vehicle trips for site 1} + \text{vehicle trips for site 2} \dots}$$

Employers submitting multi-site programs may also voluntarily include worksites with fewer than 250 worksite employees in the aggregated AVR and/or employees of other businesses located at the worksite not subject to the Rule. In order to do so, all provisions of the AVR Data Collection section must be met, and the employer must demonstrate that an AVR baseline calculation has been

established. Employers at non-regulated worksites do not need to implement other ECRP elements such as, an on-site ETC, employer incentives or good faith determination elements. Employers, voluntarily including worksites that have less than 250 worksite employees, must provide a letter of declaration signed by an official authorized to contract on behalf of and/or legally bind the employer which declares the following:

- a. The employer is voluntarily agreeing to subject itself to the authority and requirements of Rule 2202 for the worksites which currently have fewer than 250 employees, and that they are doing so freely and wholly voluntarily without any duress on behalf of the AQMD;
- b. The employer waives its right to challenge the applicability of Rule 2202 to any and all included sites within the AQMD should enforcement action be taken against the employer; and,
- c. The employer is receiving a benefit from so agreeing in that they are being allowed to claim multi-site credit toward their AVR.

E. ANNUAL AVR PERFORMANCE REQUIREMENT

Employers shall submit an Annual Program and demonstrate that they have met the annual average vehicle ridership performance requirement for the AVR Performance Zone in which the worksite is located. Employers unable to meet the annual average vehicle ridership performance requirement must submit:

- a. ECRP Offset annual plan where the difference between the worksite AVR and the target AVR Performance Zone is offset through participation in the Air Quality Investment Program (AQIP) or implementation of emission reduction strategies in accordance with the provisions of Rule 2202; or
- b. Good faith effort plan that includes the requirements described in section *II.F. Good Faith Effort Determination Elements* subject to the following conditions:
 - i. Employers shall maintain all currently approved good faith effort plan strategies until a new Annual Program is approved.
 - ii. Employer may choose to implement programs or strategies offered by third party service providers (e.g., County Transportation Commissions, TMA/TMO, contracted services).
 - iii. If any plan strategy offered by a third party service provider is discontinued, the employer shall continue to implement the discontinued strategy or amend the program.
 - iv. Deletion or substitution of any plan strategies is not allowed unless approved by the Executive Officer or designee in writing.

- v. Unless otherwise stated, strategies must be implemented such that they are reasonably likely to improve a worksite AVR. Employers must continue to demonstrate a good faith effort toward achieving the AVR performance requirement. If a worksite AVR decreases, remains the same, or does not improve from the previously submitted Annual Program, the selection of strategies must be modified, the number of strategies increased, or an ECRP offset, AQIP, or emission reduction strategy be implemented.

A flow chart showing the good faith effort determination elements and the various rule options that employers may use to comply with the Rule requirements is shown in Figure 1.

F. GOOD FAITH EFFORT DETERMINATION ELEMENTS

Employers submitting an Annual Program, who have not attained their target AVR, shall demonstrate that the elements for the required strategies in each of the six (6) listed categories are implemented. Descriptions of each element can be found in section V. *Employee Commute Reduction Strategies*.

1. Marketing Strategies. Must include at least five (5) of the following strategies:
 - a. Attendance at a marketing class,
 - b. Direct communication by the highest ranking official,
 - c. Employer newsletter, flyer, announcements, memos or letters
 - d. Employer rideshare events,
 - e. New hire orientation,
 - f. Rideshare bulletin boards,
 - g. Rideshare website,
 - h. Rideshare meetings or focus group(s), or
 - i. Other marketing strategies that have been approved by the AQMD.
2. Basic Support Strategies. Must include at least five (5) of the following strategies:
 - a. Commuter Choice Programs,
 - b. Flex time schedules,
 - c. Guaranteed return trip,
 - d. Personalized commute assistance,
 - e. Preferential parking for ridesharers,
 - f. Ride matching services,
 - g. Transit information center, or
 - h. Other basic support strategies that have been approved by the AQMD.

Rule 2202 Requirements

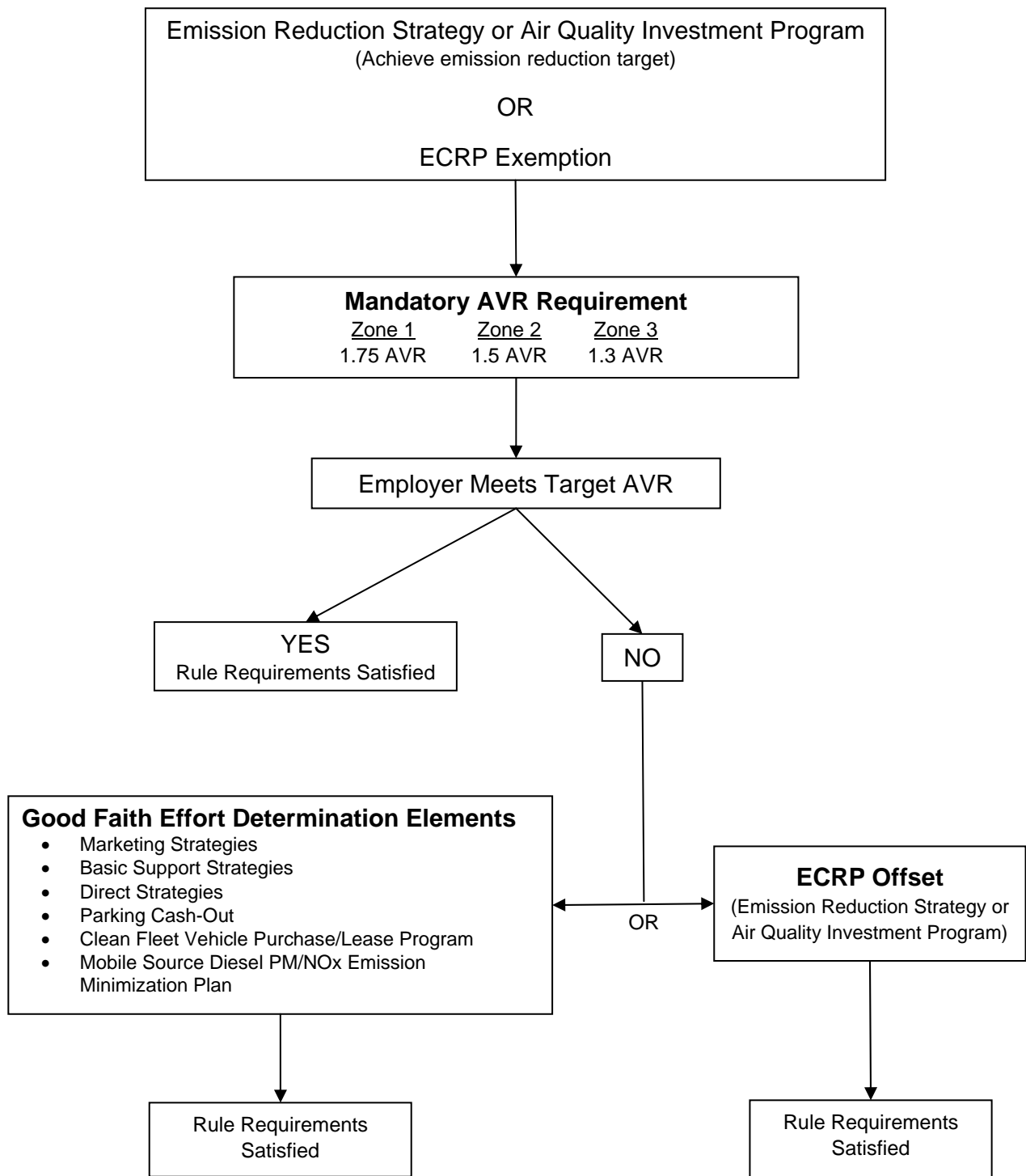


Figure 1. Rule 2202 Requirements – Compliance Flow Chart

3. Direct Strategies. Must include at least five (5) of the following strategies:
 - a. Auto services,
 - b. Bicycle program,
 - c. Compressed work week schedules,
 - d. Direct financial awards,
 - e. Discounted or free meals,
 - f. Employee clean vehicle purchase program,
 - g. Gift certificates,
 - h. Off-peak rideshare program,
 - i. Parking charge or subsidy program,
 - j. Points program,
 - k. Prize drawings,
 - l. Startup incentive,
 - m. Telecommuting,
 - n. Time off with pay,
 - o. Transit subsidy,
 - p. Vanpool program, or
 - q. Other direct strategies that have been approved by the AQMD.
4. Parking Cash-out.
5. Employer Clean Fleet Vehicles Purchase/Lease Program.
6. Mobile Source Diesel PM/NO_x Emission Minimization Plan.

III. ADMINISTRATION OF THE ECRP

A. EMPLOYEE TRANSPORTATION COORDINATORS

Employers must designate an employee to serve as an Employee Transportation Coordinator (ETC) for each worksite with 250 or more employees. This person must successfully complete an AQMD certified training course.

This training provides the individual with the necessary information to conduct the survey process, prepare and implement the program, market the program and track the program results.

Employers having multiple worksites may designate an ETC at one worksite and designate On-Site Coordinators for all other worksites. The On-Site Coordinator is a person designated by the employer and has knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is limited to program implementation rather than plan development. The ETC or the

On-site Coordinator must be at the worksite during normal business hours when the majority of employees are at the worksite.

The AQMD will hold periodic informational sessions regarding the most current information on rule provisions and administration of employee commute reduction programs. Attendance at these sessions is voluntary, but highly encouraged.

B. CONSULTANT EMPLOYEE TRANSPORTATION COORDINATOR

An employer may use a Consultant ETC in lieu of an ETC, provided the Consultant ETC meets the definition of an ETC and the same minimum certification requirements as the ETC. A Transportation Management Association/Transportation Management Organization (TMA/TMO) may be considered as a Consultant ETC provided its staff, acting in this capacity, meets the same minimum certification requirements as the ETC. As an alternative to having a Consultant ETC available during normal business hours, the employer shall designate an On-Site Coordinator for each worksite.

In the event of an absence of a trained ETC, Consultant ETC, or On-site Coordinator, exceeding eight consecutive weeks, a replacement must be designated and trained. The AQMD must be notified of this change in writing by the employer within 12 weeks after the beginning of the absence.

C. CENTRALIZED RIDESHARE SERVICE CENTER

The Centralized Rideshare Service Center (CRSC) is a strategy that may be used by employers submitting a Multi-Site program that will provide equivalent services in lieu of having a certified person at each worksite. Employers must have written approval from the AQMD prior to implementing a CRSC. Request for approval must include information describing the CRSC in detail and show how it will provide equivalent ETC services to the specific worksite(s).

Request for implementing a CRSC must have the following elements:

- a. Identification of the CRSC location;
 - b. Description of the process of employee access to rideshare information and services, including an explanation of how it will provide services equivalent to having an ETC at each worksite;
 - c. Description of how each worksite will market, implement and maintain records in a manner equivalent to having an ETC or On-Site Coordinator at the worksite;
 - d. Explanation of the ETC availability and accessibility to employees affected by the program;
- and,

- e. Assurance that copies of all relevant supporting program materials is maintained at the CRSC, unless, upon written approval, other record retention arrangements have been made. Program materials include, but are not limited to, all marketing materials, flyers, brochures, pamphlets, schedules, and copies of most recently approved ECRP.

AQMD staff will review each request on a case by case basis to determine whether the CRSC meets the following criteria:

- a. Identifies the CRSC facility location and demonstrates availability and accessibility to the ETC by all employees;
- b. Demonstrates that the ECRP is adequately marketed and implemented at each specific worksite; and
- c. Ensures that all other sites in the Multi-Site program submittal have identified a worksite contact person who:
 - i. Has knowledge of the employer's ECRP;
 - ii. Has knowledge of the employer's marketing methods; and
 - iii. Is available to meet with AQMD compliance staff.

D. TRAINING PROVIDERS

Training Providers for ETC training programs must be certified annually unless otherwise specified by the AQMD. In order to be certified, the training providers must meet or employ instructors that meet all of the following requirements:

- a. A current certificate as an ETC;
- b. A bachelor's degree in Transportation Planning, Urban Planning or a related field. If the degree is not in one of these fields, the successful completion of a TDM certification program or equivalent recognized by the AQMD may be substituted;
- c. Two years of professional training experience and three years of managerial experience in Transportation Demand Management;
- d. Knowledge of Rule 2202, related fee rules, and other AQMD on-road transportation related rules; and,
- e. Use of a curriculum for ETC Training programs certified by the AQMD that includes, at a minimum, the development, implementation, monitoring and marketing of ECRPs; recordkeeping requirements; AVR calculations; survey techniques; and an overview of air quality laws, rules, and regulations.

IV.SPECIAL PROCEDURES

A. EXTENSIONS

Any employer may request an extension to the program due date under the following circumstances:

- a. If an employer needs more time to submit a program to meet the requirements of these Guidelines and Rule 2202, additional time may be requested from the AQMD. The request must be in writing, state the reason for the extension request, the length of time needed, and include the appropriate filing fee;
- b. All extension requests and fees must be received by the AQMD, no later than 15 calendar days prior to the program due date;
- c. Requests are considered on a case-by-case basis and are granted for reasons that are beyond the control of the employer;
- d. An employer may request an extension to the program due date after the program has been disapproved for the first time. The request must be received within 15 calendar days of the receipt of the program disapproval. The AQMD will inform the employer in writing within 15 calendar days of receipt of request, whether the extension has been granted;
- e. An employer may, upon receipt of a written objection to the terms of the proposed program by an employee, employee representative or employee organization; request a single extension of 30 calendar days. A copy of the written objection should be attached to the request. One such request shall be granted by the AQMD; no subsequent extension may be granted for this purpose; and
- f. Any change in the permanent due date that results in additional time to submit a program will be considered an extension of time and shall be subject to an extension filing fee.

B. PROGRAM AMENDMENTS

An approved ECRP may be amended between program submittal dates by submitting a proposed program amendment in writing to the AQMD along with the applicable fee. Any change to the implementation of an approved program requires an AQMD approved program revision. Program changes which are in effect, including but not limited to change of employee transportation coordinator at the worksite, must be submitted in writing to the AQMD. Any change that affects the attainment of the AVR and requires evaluation by AQMD staff is subject to a per worksite amendment fee.

Employers proposing changes in strategies are encouraged to consider comparable ones that will continue making progress towards attaining the target AVR. The Employee Commute Reduction Strategies identifies a number of strategies that could be selected to substitute for those being

changed. The amendment cannot be implemented until approved by AQMD in writing. AQMD will either approve or disapprove the amendment within 90 calendar days of receipt. The amendment request must include the following:

- a. Letter of explanation of proposed amendment signed by the highest ranking official.
- b. A copy of each affected strategy page from the last approved plan.
- c. A copy of each of the proposed replacement strategy pages.
- d. Applicable amendment fee.

Amendment requests may be approved if the employer demonstrates to the satisfaction of the Executive Officer, that the new strategy will result in an AVR which is equal to or better than the strategy it is replacing.

The amendment fees shall not apply when the amendment consists solely of additional or enhanced strategies to the program or when the strategy amendment is submitted at the same time as part of the Annual Program submittal.

C. CHANGE OF OWNERSHIP

In the case of ownership mergers, or change of ownership, the new owner must notify AQMD of this change within 30 calendar days of the new ownership. The new employer, within 90 calendar days must submit a new Annual Registration or Annual Program to the AQMD which adheres to all provisions of Rule 2202 and Guidelines, or submit a letter which states they will continue to implement the program approved by the AQMD for the prior owner(s).

D. RELOCATION

Any employer relocating to a new worksite must notify the AQMD within 30 calendar days of the relocation. Relocations fall into two categories and are explained below:

- a. Employers relocating within two miles of the previous worksite address may elect to continue to implement the most recently approved Annual Program or the employer may elect to submit a new Annual Program. The employer must inform AQMD of the preference in the notification of relocation letter.
- b. Employers relocating more than two miles from the previous worksite must submit a new Annual Program within 90 calendar days of the relocation.

E. DECLARED BANKRUPTCY

An employer who has declared bankruptcy for the official business or governmental operations of its organization or employer through a judicial court filing and confirmation process may request the AQMD grant a temporary waiver from complying with the requirements of this Rule. Upon

demonstration of the filing and confirmation of bankruptcy, the AQMD will grant an exemption for the duration of bankruptcy, not to exceed two years, from the date of the waiver.

F. DECLARED STATE OF EMERGENCY

During a period of significant impairment of transportation systems associated with an event resulting in a local, state or federally declared state of emergency, the AQMD may approve programs or program amendments including strategies which decrease trips associated with any location in the AQMD, including locations other than a worksite included in the program. Such strategies may be included in any program and may be a substitution for measures contained in an approved program. In the event of substitution, the employer shall demonstrate that any decrease in AVR at a worksite subject to the program will be offset by trips reduced elsewhere in the AQMD.

G. ADDING WORKSITES TO A MULTI-SITE PROGRAM

A new worksite may only be added to a Multi-Site program submittal on the next annual submittal, or alternatively, may be filed as a single site submittal. Given the variety of employer situations, each Multi-Site program submittal will be evaluated individually and considered on a case-by-case basis.

H. PROGRAM DISAPPROVAL APPEALS

The AQMD has 90 calendar days to review the resubmitted Annual Program submittal. If the employer believes that the program meets the requirements of Rule 2202 and the Guidelines, and that the program was improperly disapproved, the employer may appeal the disapproval to the AQMD Hearing Board. A petition for appeal of disapproval must be made within 30 calendar days after the employer receives the notice of disapproval.

I. DELAY PROGRAM REVIEW REQUEST

If an employer, employee, employee representative or employee organization requests a delay in action of program review, the request must be in writing to the AQMD within 30 calendar days of program submittal and cannot delay the period of time to exceed the 90th day after submittal.

V. EMPLOYEE COMMUTE REDUCTION STRATEGIES

A. COMMUTE REDUCTION STRATEGIES

Below are the descriptions of the Good Faith Effort Determination Elements that employers can choose to implement. These strategies can be developed and implemented to meet the individual needs of employers in achieving the designated AVR. Direct financial strategies are not required for program approval.

1. Auto Services - The employer provides auto services for employees participating in the commute reduction program. The employer must provide the type of service (e.g., oil changes, car washes, fuel, oil change, tune-up, repair certificate, etc), monetary value, frequency, eligibility, and minimum requirements to participate in the program.
2. Bicycle Program - The employer provides eligible employees, who commute by bicycle, unique incentives and tools only available to bicyclists and not offered elsewhere in the plan. Examples of incentives that can be included in a program are:
 - Bicycle matching/meeting;
 - Shoes, clothing, helmets, etc.;
 - Lockers, racks, etc.;
 - Bicycle repair services;
 - Tools or repair kits;
 - Discounts at local bicycle shops; or
 - Other bicycle related services.
3. Commuter Choice Programs - The employer provides a Commuter Choice tax benefits program, based on Section 132(f) of the federal tax code. This program allows employees to set aside pre-tax income for qualified commute modes. Section 132(f) covers transit, vanpool and bicycle benefits as well as qualified parking.
4. Compressed Work Week - A compressed work week (CWW) schedule applies to employees who, as an alternative to completing the basic work requirement in five eight-hour workdays in one week, or ten eight-hour days in two weeks, are scheduled in a manner which reduces trips to the worksite. Employers must indicate if the CWW is offered to all employees, or eligible employees and the total number of employees participating in each type of CWW schedule. It is recommended, but not required, that employers have a formal written policy on CWW schedules.
5. Direct Communication - Direct communication by the employer's highest ranking official at the worksite, to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program. This must occur, at a minimum, on an annual basis and may occur as electronic or written communication.
6. Direct Financial Awards - The employer, or other funding sources, provides eligible employees with cash subsidies for participation in the organization's commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.

7. Discounted/Free Meals - The employer provides eligible employees with free or discounted meals for their participation in the commute reduction program. The employer must provide the monetary value of the award, frequency, eligibility, and minimum requirements to participate in the program.
8. Employee Clean Vehicle Purchase Program - Encourage and offer incentives for employees who purchase partial zero emission vehicles (PZEV), advance technology PZEV (AT-PZEV), or zero emission vehicles (ZEV) (e.g., credit union loan rate discounts, financial incentives).
10. Employee Newsletter, Flyer, Announcements, Memos or Letters - A communication tool to introduce and/or promote alternative commute modes, outline incentives and encourage participation in a rideshare program that is updated and distributed, at a minimum, on a quarterly basis. If provided electronically, an update or notice must be sent to all employees of the communication's availability.
11. Employee Rideshare Events - Employer sponsored event which promote rideshare opportunities that occurs, at minimum, annually.
12. Flex Time - The employer permits employees to adjust their work hours in order to accommodate public transit schedules or rideshare arrangements. Ideally, employers would have a formal written policy on Flex Time. Do not select this strategy unless flex time is linked to your rideshare program.
13. Gift Certificates - The employer or other funding source provides eligible employees with gift certificates for participation in the commute reduction program. The employer must provide the certificate's monetary value, frequency, eligibility, and minimum requirements to participate in the program.
14. Guaranteed Return Trip - The employer provides eligible employees with a return trip to the point of commute origin, when a need for the return trip arises. This need may be a personal emergency, an unplanned situation, or business-related activities (such as overtime). The employer needs to indicate if this service would be provided by employer vehicle, rental car, taxi, another employee, TMA/TMO, or other entities.
15. Marketing Class - The ETC attends a marketing class within 12 months prior to plan submittal. Proof of attendance must be submitted along with the Annual Program. The marketing class may include, but is not limited to:

- Development of a communication/marketing plan;
 - Development of marketing materials;
 - Development of presentation materials;
 - Use of existing programs (e.g., Rideshare Week, rideshare fairs, etc.); and
 - Fundamentals of marketing (including promotion techniques and consumer behavior).
16. New Hire Orientation – The employer provides newly hired employees an explanation of alternative commute modes and employer incentives to promote and encourage participation in a rideshare program.
 17. Off Peak Rideshare Program - The employer may voluntarily expand their commute reduction program to include employees who commute outside of the peak window.
 18. Other Strategy(ies) - The employer can provide many types of strategies designed to encourage solo commuters to participate in the employee commute reduction program under each strategy heading. These strategies can include, but are not limited to, educational programs, use of clean fuel vehicles for commuting, employer vehicles for ridesharing, carsharing, mobility hub services, rideshare clubs, on-site amenities, electric vehicle infrastructure, voluntary worksite transfers, or the use of TMA/TMO services. Employers who list more than one strategy may receive credit for each individual strategy.
 19. Parking Charge/Subsidy - A parking fee is charged to employees who drive alone to the worksite. The employer may provide a subsidy to employees that can be used for the cost of alternative transportation modes. The employer must provide the monetary value of the charge/subsidy, frequency, eligibility, and minimum requirements to participate in the program. Employers who implement a Parking Charge/Subsidy strategy cannot claim credit as a Parking Cash-out program unless both are independent strategies.
 20. Personalized Commute Assistance - The employer provides personalized assistance such as transit itineraries, carpool matching and personal follow-up to employees. Examples of ways an employer can provide this service to employees are:
 - Organize carpool/vanpool formation meeting(s).
 - Assist in identifying park and ride lots.
 - Assist in identifying bicycle and pedestrian routes.
 - Assist in providing personalized transit routes and schedule information.
 - Provide personalized follow-up assistance to maintain participation in the commute reduction program.

21. Points Program - Employees earn points for each day of participation in the employer's commute reduction program. Points are redeemed for such rewards as time off, gift certificates, cash or merchandise. The employer must provide the monetary value of the points, frequency, eligibility, and minimum requirements to participate in the program.
22. Preferential Parking for Ridesharers - The employer provides eligible employees with preferential parking spaces to park their vehicles. These spaces must be clearly posted or marked in a manner that identifies them for carpool or vanpool use only. The employer shall provide, at a minimum, the following information:
 - Number of preferential parking spaces,
 - Minimum number of persons per vehicle required to be eligible,
 - Minimum number of days or percentage of ridesharing required to be eligible, and
 - Method of vehicle identification (e.g., tags, stickers, or license plate number).
23. Prize Drawings - The employer provides eligible employees, at a minimum, quarterly, with a chance to win prizes for participation in the commute reduction program. The employer must provide the monetary value of the prizes, frequency, eligibility, and minimum requirements to participate in the program.
24. Rideshare Bulletin Board - A physical display with materials that encourage and promote rideshare participation, publicizes incentives and, provides information about the employer's rideshare program. The bulletin board should be in a location that would be most likely viewed by the majority of the employees and must contain different information than the Transit Information Center. It may be necessary to have more than one bulletin board.
25. Rideshare Matching Services – The employer provides, at a minimum, annually, rideshare matching services, zip code lists, or assistance in finding commute alternatives for all employees. The employer must indicate how and when employees are matched (e.g., during new hire orientation, as part of the employer's annual AVR survey, or on demand). The employer must also indicate how the service is provided to employees, such as:
 - Employer based system,
 - Regional commute management agency,
 - TMA/TMO system,
 - Zip code lists/maps, and/or
 - Outside service (e.g., consulting services).
26. Rideshare Meetings / Focus Groups - Meetings conducted with employees, at a minimum, semi-annually, to solicit input on commute behavior, incentives to rideshare, and to

overcome the constraints to participating in alternative commute modes. These meetings may also be used to introduce employees who live in similar areas to foster the development of carpools and vanpools.

27. Rideshare Website – An employer’s website that is designed to act as a repository for information on the rideshare plan, that is updated, at a minimum, quarterly and is readily accessible to all employees. Employers may also implement other social marketing websites that are administered by the employer for the purposes of encouraging site specific employee trip reductions. At a minimum, quarterly notices must be given to the employees about the availability of the web site.
28. Startup Incentives - Incentives designed to reward solo commuters for joining a carpool or vanpool, or using other alternative commute modes and are generally provided over a short period of time. The employer must provide the monetary value of the incentives, frequency, eligibility, and minimum requirements to participate in the program.
29. Telecommuting - Telecommuting means working at home, off-site, or at a telecommuting center for a full workday that eliminates the trip to work or reduces travel distance to the worksite by more than 50%. Ideally, employers would have a formal written policy on telecommuting. Employers must state if telecommuting is offered to all employees or eligible employees/units, the total number of employees participating in the program, the number of days per week employee’s work at home or at a satellite work center, if a formal written policy exists, and if any training/orientation sessions are held in support of the program.
30. Time Off With Pay - The employer provides eligible employees additional time off with pay for participation in the commute reduction program. The employer must provide the monetary value of the incentive, the amount of earned time off, frequency, eligibility, and minimum requirements to participate in the program.
31. Transit Information Center - The employer provides a transit information center that makes available general transit information and/or the on-site sale of public transit passes, tickets or tokens to the worksite employees. At a minimum, the information must be updated quarterly.
32. Transit Subsidy - Employers pay for all, or part, of the cost of commuting by local mass transit, commuter rail, train, or other public transit. The employer must provide the monetary value of the transit subsidy, frequency, eligibility, and minimum requirements to participate in the program.

33. Vanpool Program - The employer provides eligible employees with a vanpool program designed to encourage the use of existing vanpools or the development of new vanpools. The employers must provide, at a minimum, the following information:

- Total number of vans participating in the program;
- If the vans are employer owned or leased vans;
- If the vans are third-party owned or leased vans;
- If the vans are employee owned or leased vans;
- Amount and type of subsidies for insurance;
- Amount and type of subsidies for fuel and/or maintenance;
- If empty seats are subsidized, and value and length of time this subsidy is offered; and,
- Any other benefit unique to vanpoolers that is not duplicated elsewhere in the plan.

B. PARKING CASH-OUT PROGRAM

Employers who are subject to the parking cash-out provisions of the Health and Safety Code §43845 shall implement a parking cash-out program pursuant to the Health and Safety Code when the worksite Annual Program has not achieved the AVR performance requirement and the current AVR fails to show an overall improvement in comparison to the previously submitted Annual Program.

This parking cash-out requirement shall remain in effect until January 1, 2016, at which time the Executive Officer will evaluate the effectiveness of the parking cash-out program to determine if it should be continued, with recommendation back to the Governing Board.

Parking cash-out is a program where employers offer a cash allowance to employees, in lieu of a parking space that the employer would otherwise pay to provide the employee with a parking space. Parking cash-out applies to worksites where the employer leases employee parking, the parking lease is not included or bundled in the building lease, and the employer is able to reduce the number of parking spaces without penalty.

All employers subject to Health and Safety Code §43845 have a legal obligation to comply with state law regardless of whether an employer incorporates parking cash-out as one of the strategies in Rule 2202.

C. EMPLOYER CLEAN FLEET PURCHASE/LEASE PROGRAM

When acquiring cars and light-duty or medium-duty trucks by purchase or lease for employer vehicle operations in the AQMD, employers who operate fleet vehicles, shall agree to acquire vehicles that have emissions that are equivalent to or better than super low emission vehicles (SULEV) medium-duty trucks, ultra low emission vehicle (ULEV) passenger car, or ULEV light-

duty trucks, which meet CARB guidelines. Employers shall submit an employer clean fleet plan form provided by the AQMD, if the employer operates fleet vehicles.

Rule 1191 - Light- and Medium-Duty Public Fleet Vehicles definitions for passenger car, light-duty, medium-duty, and heavy-duty vehicles are applicable for purposes of this strategy. Acquired fleet vehicles can include vehicles that have been purchased, leased or donated, either new or used. For the purpose of this provision, fleet is defined as 4 or more vehicles and a vehicle lease is for a term exceeding four consecutive months (California Vehicle Code §371 *et seq.*).

The provisions of this strategy shall not apply to the following:

- a. Emergency or rescue vehicles operated by local, state, and federal law enforcement agencies, police and sheriff's department, fire department, hospital, medical or paramedic facilities, and used for responding to situations where potential threats to life or property exist, including but not limited to fire, ambulance calls, or life-saving calls as defined in Section 165 of the California Vehicle Code and are equipped with red lights and sirens;
- b. Vehicles used by law enforcement agencies for the purposes of surveillance or undercover operations;
- c. Heavy-duty on-road vehicles;
- d. Employer fleets consisting of evaluation or test vehicles provided or operated by vehicle manufacturers for testing or evaluation, exclusively;
- e. Specialized vehicles that incorporate specially designed safety and security features for the protection of employees during transit;
- f. Non-passenger car military vehicles;
- g. Employers currently subject to Rule 1191 shall be deemed in compliance with this provision;
- h. Donated vehicles for the first 180 days of inclusion in the employer's fleet. At the end of 180 days employers may include the vehicle into their fleet only if it meets the emission standard requirement of this section; or
- i. If no complying vehicles are available or suitable for use due to non-availability or performance requirements, the Executive Officer may approve the use, on a case-by-case basis, of non-SULEV or better vehicles.

D. MOBILE SOURCE DIESEL PM/NO_x EMISSION MINIMIZATION

Employers shall submit a diesel PM/NO_x emission minimization plan form provided by the AQMD, if the annual plan submittal includes 1,000 or more window employees, the employer owns or operates on-site off-road mobile diesel equipment that operates exclusively at the worksite, and the equipment is located more than 12 consecutive months at the worksite. For multi-site

employers this provision only applies to those individual sites with 1,000 or more window employees. Examples of on-site off-road mobile sources include, but are not limited to, yard hostlers, forklifts, riding lawnmowers, maintenance vehicles, tractors, or man-lifts.

When implementing this strategy the following requirements apply:

- a. The employer shall submit a triennial diesel emission audit report that includes, at a minimum, an inventory of mobile diesel equipment, fuel usage, and use of control technologies, if any (e.g., clean fuels, engine modification, and after-treatment equipment). Triennial reports are due the same time as the employer's Annual Program submittal.
- b. The employer shall implement technically feasible control strategies as identified in the plan approved by the Executive Officer or designee, provided the sum of the annualized capital costs and the annual operating and maintenance costs do not exceed the cost per number of window employees, according to the following schedule:

Mobile Source Diesel Emission Minimization Plan
Maximum Cost per Worksite

Number of Window Employees	Maximum Cost
1,000-1,499	\$9,000
1,500-1,999	\$13,400
2,000-2,499	\$17,900
2,500-2,999	\$22,400
3,000-3,499	\$26,900
3,500-3,999	\$31,400
4,000-4,499	\$35,800
4,500-4,999	\$40,300
5,000-5,499	\$44,800
5,500-5,999	\$49,300
6,000-6,499	\$53,800
6,500-6,999	\$58,200
7,000-7,499	\$62,700
7,500-7,999	\$67,200
8,000-8,499	\$71,700
8,500-8,999	\$76,200
9,000-9,499	\$80,700
9,500-9,999	\$85,100
10,000 and up	\$89,600

- c. AQMD staff will conduct technical feasibility and cost analysis in consultation with employers. Feasible minimization strategies shall be identified as conditions in the approved plan. Employers shall implement the plan expeditiously, but not later than two years from the date of the Diesel Emission Minimization plan's approval.

- d. In conducting the cost analysis, the following methodology will be followed. The cost of a diesel emission control technology consists of capital costs and/or annual operating and maintenance costs. Capital costs will be annualized over the equipment life or a ten year default life may be applied with a 4% real interest rate. Capital costs are one-time costs; examples include the price of control equipment, engineering design, and installation, if applicable. Operating and maintenance costs are annual recurring costs and include expenditures on utilities, labor, and material costs associated with control equipment operation.

The cost analysis is calculated according to the following equation:

$$\text{Annualized Project Cost} = (\text{Capital Cost} * \text{CRF}) + \text{O\&M}$$

Where:

Capital Cost = One-time cost of the equipment, design, and installation.

CRF = Capital Recovery Factor. For a 10 year default life with a 4% real interest rate the CRF is 0.123.

O&M = Operation and maintenance cost for 1 year.

Typical capital costs and operating and maintenance costs for off-road emission control strategies are listed below:

Capital Costs	Operating & Maintenance Costs
Purchased Equipment/Device Cost <ul style="list-style-type: none">• New Off Road Vehicles• New Diesel Engines• Alternative Fueling Stations• Diesel Particulate Filters• Engine Catalysts Direct & Indirect Installation Costs <ul style="list-style-type: none">• Engineering/Design• Construction	Fuel Costs Labor Costs for Maintenance Maintenance Materials Replacement Parts Any Savings

Only the incremental costs between new and existing equipment/devices should be accounted for.

- e. Employers may appeal the conditions of diesel minimization plan to the Hearing Board pursuant to Rule 216 - Appeals.
- f. The approved plan shall be subject to provisions of Rule 221 - Plans.

VI. GLOSSARY

1. **AGGREGATE AVR** means the weighted average AVR of an employer that has several different worksites within the same AVR Performance Zone that are included within one Employee Commute Reduction Program.
2. **ANNUAL PROGRAM** means a form submittal that contains AVR survey results, a plan to achieve the performance requirement for the worksite, and an agreement to continue implementing the Employee Commute Reduction Program.
3. **AVERAGE VEHICLE RIDERSHIP (AVR)** is the current number of employees that begin work during the window for calculating AVR divided by the number of vehicles arriving at the worksite during the same window.
4. **AVR CALCULATION** means the numerical method used to determine the worksite's AVR in accordance with these guidelines.
5. **AVR DATA COLLECTION METHOD** is a method for gathering employee commute mode data needed to calculate an employer's AVR.
6. **AVR PERFORMANCE ZONE** is a geographic area that determines the average vehicle ridership performance requirement for a worksite pursuant to the map in Attachment I of this guideline. The AVR Performance Zones are as follows:
 - Zone 1: 1.75 AVR
 - Zone 2: 1.5 AVR
 - Zone 3: 1.3 AVR
7. **AVR WINDOW** is the period of time, Monday through Friday between the hours of 6:00 a.m. and 10:00 a.m. used to calculate AVR in accordance with these guidelines. AVR Window, as applied to businesses operating seven days a week, is the period of time, Sunday through Saturday between the hours of 6:00 a.m. and 10:00 a.m., used to calculate AVR in accordance with these guidelines. Employers using an alternative window or week must have written AQMD approval prior to the annual survey.
8. **CARPOOL** is a vehicle occupied by two to six people traveling together between their residences and their worksites or destinations for the majority of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.
9. **CENTRALIZED RIDESHARE SERVICE CENTER (CRSC)** is a strategy that may be used by employers submitting Multi-Site programs that will provide equivalent services in lieu of having a trained ETC at each worksite.
10. **COMPLIANCE YEAR** is the time period beginning when an Annual Program is approved until a new Annual Program is approved. Program amendments and extensions do not affect the compliance year.

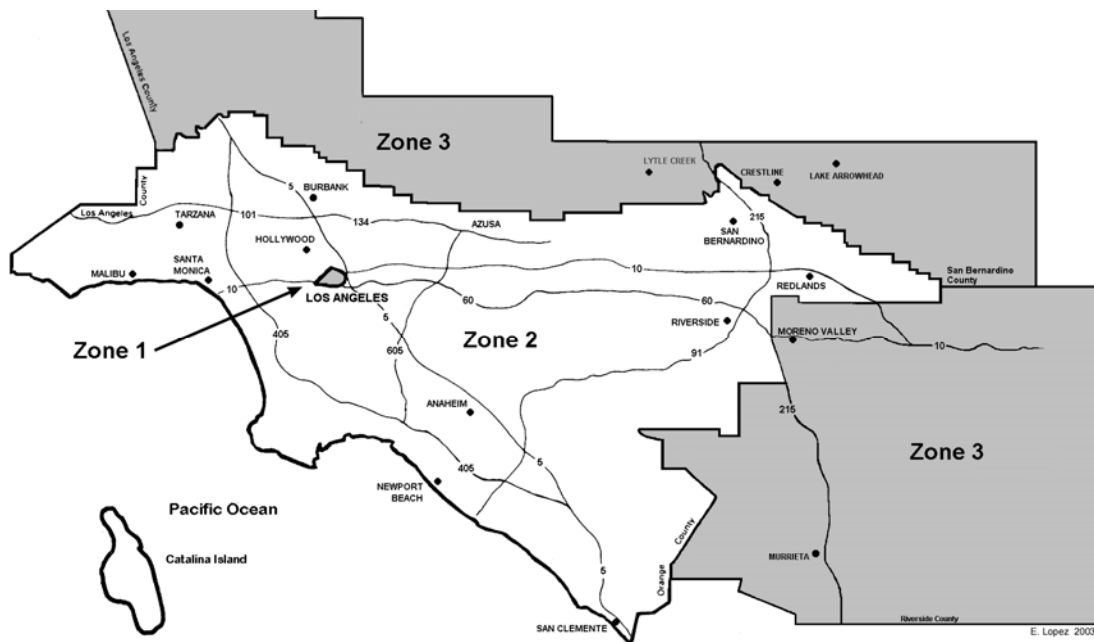
11. **COMPRESSED WORK WEEK (CWW)** applies to employees who as an alternative to completing basic work requirements in five eight-hour workdays in one week, or 10 eight-hour workdays in two weeks, are scheduled in a manner which reduces vehicle trips to the worksite. The recognized compressed work week schedules for this Rule are, but not limited to, 36 hours in three days (3/36), 40 hours in four days (4/40), or 80 hours in nine days (9/80).
12. **CONSULTANT ETC** means a person that meets the definition of and serves as an ETC at a worksite other than the Consultant's employer.
13. **DIRECT FINANCIAL AWARD** means an employee commute reduction strategy in which the employer awards cash, prizes, or items of cash value to an employee for specified rideshare behavior.
14. **DISABLED EMPLOYEE** means an individual with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle.
15. **EMERGENCY OR RESCUE VEHICLE** means any vehicle defined in Section 165 of the California Vehicle Code and is equipped with red lights and sirens as defined in Sections 30, 25269, and 27002 of the California Vehicle Code.
16. **EMPLOYEE** means any person employed full or part-time by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. This term excludes the following: seasonal employees, temporary employees, volunteers, field personnel, field construction workers, and independent contractors.
17. **EMPLOYEE COMMUTE REDUCTION PROGRAM (ECRP)** means an Annual Program, under the Employee Commute Reduction Program option, submitted to the AQMD, in accordance with these guidelines.
18. **EMPLOYEE TRANSPORTATION COORDINATOR (ETC)** is an employee who has completed an AQMD certified training course and has been appointed to develop, market, administer, and monitor the Employee Commute Reduction Program at a single worksite. The ETC must be at the worksite during normal business hours when the majority of employees are at the worksite.
19. **FEDERAL FIELD AGENT** means any employee who is employed by any federal entity whose main responsibility is National Security and performs field enforcement and/or investigative functions. This does not include employees in non-field or non-investigative functions.
20. **FIELD CONSTRUCTION WORKER** means an employee who reports directly to work at a construction site.
21. **FIELD PERSONNEL** means employees who spend 20 percent or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up and dispatch of an employer-provided vehicle.
22. **FLEET VEHICLES** means, for purposes of this rule, any vehicles including passenger cars, light-duty trucks, and medium-duty on-road vehicles, owned or leased by an employer that totals four (4) or more vehicles.

23. **HIGH AVR NO-FAULT INSPECTION** is a No-Fault Inspection available only to worksites that reach or exceed their designated AVR. Worksites that pass this inspection will have their current plan filing fee reduced and are eligible for minimal filing requirements.
24. **HOLIDAYS** are those days designated as National or State Holidays that shall not be included in the AVR survey period.
25. **INDEPENDENT CONTRACTOR** means an individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.
26. **LEASE**, for purposes of the Employer Clean Fleet Purchase/Lease Program, is a contract for the temporary use of a vehicle for a term exceeding four consecutive months pursuant to California Vehicle Code §371 et seq.
27. **LOW-INCOME EMPLOYEE** means an individual whose salary is equal to, or less than, the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden.
28. **MULTI-SITE EMPLOYER** means any person(s), firm, business, educational institution, non-profit agency or corporation, government agency or other entity which has more than one worksite within the South Coast Air Basin where 250 or more employees report to a worksite.
29. **MULTI-SITE PROGRAM** means a single Employee Commute Reduction Program submitted to the AQMD to comply with these guidelines that encompass more than one worksite within a single AVR Performance Zone that belongs to a multi-site employer.
30. **NO-FAULT INSPECTION** is a pre-arranged worksite employee commute reduction program compliance inspection that is initiated by the employer or the employer representative and is conducted by AQMD compliance staff, without penalty for non-compliance.
31. **NONCOMMUTING AVR CREDIT** applies to employees who arrive at the worksite during the window for calculating AVR, and remains at the worksite or out of the AQMD's jurisdiction for a full 24 hour period or more to complete work assignments.
32. **OFF PEAK COMMUTE TRIP** is a commute trip that occurs outside the peak commute window of 6:00 a.m. - 10:00 a.m., Monday through Friday.
33. **ON-SITE COORDINATOR** is a person who has been designated by the employer as an "On-Site Coordinator" and has knowledge of the employer's ECRP and marketing methods. The On-Site Coordinator is limited to program implementation rather than program development.
34. **PARKING CASH-OUT** is a program where an employer offers to provide a cash allowance to an employee, at a minimum equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space pursuant to the provisions of the Health and Safety Code Section 43845.

35. **PART-TIME EMPLOYEE** means any employee who reports to a worksite on a part-time basis fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability; and for AVR calculations of the employer provided the employees begin work during the window for calculating AVR.
36. **POLICE/SHERIFF** means any employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are only police officers and sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions.
37. **SEASONAL EMPLOYEE** means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.
38. **STRATEGY** means an employee commute reduction program element developed, offered and/or implemented by employers for the purpose of encouraging employees to use modes of transportation other than single occupant vehicles when reporting to work during the employer's window.
39. **STUDENT WORKER** means a student who is enrolled and gainfully employed (on the payroll) by an educational institution. Student workers who work more than four hours per week are counted for rule applicability and if they begin work during the 6:00 a.m. - 10:00 a.m. window are counted for AVR calculation.
40. **TELECOMMUTING** means working at home, off-site, at a satellite office or at a telecommuting center, for a full workday that eliminates the trip to work or reduces travel distance by more than 50 percent.
41. **TEMPORARY EMPLOYEE** means any person employed by an employment service or agency that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.
42. **TOTAL SURPLUS VEHICLE REDUCTIONS (TSVR)** is the sum of the surplus daily commute vehicle reductions that exceeds the designated AVR, at each worksite included in a Multi-Site program.
43. **TOTAL VEHICLE REDUCTION SHORTFALL (TVRS)** is the sum of the additional daily commute vehicle reductions needed to attain the designated AVR, at each worksite included in a Multi-Site program.
44. **TRANSIT** is a shared passenger transportation service which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without private arrangement. Transit include buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

45. **TRANSPORTATION MANAGEMENT ASSOCIATION OR TRANSPORTATION MANAGEMENT ORGANIZATION (TMA/TMO)** means a private/non-profit association that has a financial dues structure joined together in a legal agreement for the purpose of achieving mobility and air quality goals and objectives within a designated area.
46. **TRAINING PROVIDER** means a person(s), firm, business, educational institution, non-profit agency, corporation, or other entity which meets the minimum guideline qualifications and is certified by the AQMD to provide training to ETCs.
47. **VANPOOL** is a vehicle occupied by seven to 15 people traveling together between their residences and their worksites or destinations for the majority of the total trip distance. Employees, who work for different employers, as well as non-employed people, are included within this definition as long as they are in the vehicle for the majority of the total trip distance.
48. **VEHICLE TRIP** is based on the means of transportation used for the greatest distance of an employee's home-to-work commute trip for employees who begin work during the peak period. Each vehicle trip to the worksite shall be calculated as follows:
- Single-occupant vehicle = 1
 - Carpool = 1 divided by number of people in carpool
 - Vanpool = 1 divided by number of people in vanpool
 - Motorcycle, moped, motorized scooter, motor bike = 1 divided by number of people on bike
 - Public transit = 0
 - Bus pool = 0
 - Bicycle = 0
 - Walking and other non-motorized transportation modes = 0
 - Non-commuting = 0
 - Telecommuting = 0 on days employee is telecommuting for the entire day
 - Compressed Workweek = 0 on employee's compressed day(s) off
 - Zero-emission vehicles = 0
49. **VOLUNTEER** means any person(s) at a worksite who, of their own free will, provides goods or services, without any financial gain.
50. **WORKSITE** means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single worksite, even if they do not have the above characteristics, if they are located within a 2 mile radius and are in the same AVR Performance Zone.
51. **WORKSITE EMPLOYEE THRESHOLD** means 250 employees employed at a single worksite for the prior consecutive six month period calculated as a monthly average, and 33 or more employees scheduled to report to work during the window any one day during the prior consecutive 90 days.

VIII. ATTACHMENT I



AVR PERFORMANCE ZONES

- A worksite's AVR Performance Zone depends on its location.
- District's Source/Receptor Areas are shown in Attachment 3 of Rule 701 - Air Pollution Emergency Contingency Actions.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the AQMD's Source/Receptor Area 1.
- **Zone 2** corresponds to the AQMD's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Zone 1 - Central City Area.
- **Zone 3** corresponds to the AQMD's Source/Receptor Areas 13, 15, 24 through 31, and 36 through 38.

